IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 1419 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI
and
Hon'ble MR.JUSTICE KUNDAN SINGH

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SABIRBHAI B MALEK

Versus

RAMA IN HOTEL

Appearance:

MR GC RAY for Petitioner - ABSENT

MR AV PRAJAPATI for Respondent No. 1

CORAM : MR.JUSTICE R.K.ABICHANDANI
and
MR.JUSTICE KUNDAN SINGH

Date of decision: 09/11/2000

ORAL JUDGEMENT

(Per : MR.JUSTICE R.K.ABICHANDANI)

Mr. G.C. Ray, learned Counsel for the petitioner is absent. The grievance of the petitioner is that the award of the Labour Court dated 25.4.1997, by which the petitioner was ordered to be reinstated in service with full backwages has not been complied with. By that award dated 25.4.1997, the petitioner was ordered to be reinstated with backwages within 30 days from the date of publication of the award. An affidavit has been filed by the Managing Director of the respondent, which is a unit of MCM Hotels Pvt.Ltd., as stated therein, in which it has been stated on oath that the said unit had incurred loss and its equity is wiped off and that it is a deemed sick unit. It is stated that the bonafides of respondent were shown by making a cash payment of Rs. 15,000/- to the petitioner on 20th March, 1999 and that a further payment of Rs. 10,000 was committed. It is stated in paragraph 13 of the affidavit that, in all, an amount of Rs. 25,000 has been paid to the petitioner. It appears to us that there is no wilful disobedience of the award and that the respondent has been endeavouring to pay the due amounts. Therefore, without prejudice to the rights of the petitioner to recover the dues that may still be outstanding, we do not propose to take any action under the Contempt of Courts Act against the respondents. Rule is discharged with no order as to costs.

---

*/Mohandas